

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Norfolk Division

UNITED STATES OF AMERICA)	
)	
v.)	Docket No.: 2:12CR127-001
)	
DAVID LEE JONES, III,)	
)	
Defendant.)	

DEFENDANT'S OBJECTIONS TO THE PRESENTENCE INVESTIGATION REPORT

NOW COMES the Defendant, David Lee Jones, III, by counsel, and notes the following objections to the Presentence Investigation Report, which was prepared by Karen Franklin of the United States Probation Office. The objections are as follows:

1. The defendant objects to the possession of a dangerous weapon enhancement under U.S.S.G. §2D1.1(b)(1) listed in Worksheet A (offense level) of the Presentence Investigation Report. According to the United States Sentencing Guidelines manual, application of the enhancement is only proper where "the weapon was present, unless it is clearly improbable that the weapon was connected with the offense." U.S.S.G. commentary §2D1.1(b)(1) and (b)(2). The gun is a .32 caliber Smith & Wesson long-barrel revolver from the 1920's or 30's era (Exhibit A). Its characteristics are not similar to a gun ordinarily used as a tool of the trade in drug dealing. It is an heirloom that the co-defendant, December Isabelle Justice, received from her grandfather upon his death. The defendant or co-defendant never used this gun in any drug activity. While the gun was present in the home where drugs were found, it was kept in a safe. Furthermore, there is no evidence that the gun was ever used or intended to be used in any drug related transactions.

2. The defendant objects to the conversion ratio of 1:500 grams of methylone to marijuana used by the government in calculating the 17,500 kilograms of marijuana attributed to the defendant in Worksheet A (Offense Level). Methylone has half the potency of MDMA (ecstasy), and the DEA and another Court have used a ratio of 1:250 grams methylone to marijuana in other cases. Therefore, the defendant objects to the 1:500 ratio and believes the 1:250 ratio is the appropriate ratio to be applied in his sentencing.

Respectfully submitted,

DAVID LEE JONES, III

By: _____/s/_____
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CERTIFICATE OF SERVICE

I hereby certify that on the 14th day of February 2013, I served a true copy of the foregoing via the CM/ECF system upon the following counsel of record:

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